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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,968	12/11/2003	Harold R. Pilley		8797

7590 03/17/2005
Harold R. Pilley
P.O. Box 439
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EXAMINER

CHIN, GARY

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 03/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/733,968

Applicant(s)

PILLEY ET AL.

Examiner

Gary Chin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2004 and 30 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 4-6 are objected to because of the following informalities:

As per claim 4, line 3 in step (m), the antecedent basis for “said location” has not been set forth.

As per claim 5, the antecedent basis for “said differentially corrected position information” and “said vehicle location” also has not been set forth in the claim.

As per claim 6, “a digital map of an airport” in (j) and “said display” in (k) should be “said digital map of said airport” and “said display means” respectively.

As per claims 4-6, the period used in each of the alphabetical designation (such as a. to p.) should be replaced with the parenthesis (such as (a) to (p)) since the period should only be used at the end of the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 5 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Shiomi et al (patent no. 5677841).

As per claims 5-6, figures 5 and 11 of the Shiomi et al reference clearly disclose the claimed airport navigation system and airport control and management method for a plurality of vehicles including a GNSS antenna to receive broadcast signals from the GNSS satellites (see the antenna on top of the DGPS ground station), a differential GNSS base station (item 21), means to calculate differential corrections (item 213) within the differential GNSS base station and send the pseudorange corrections to a radio transmitter (item 215) connected to the differential GNSS base station, a radio receiver (item 115) located on an aircraft (or vehicle) to receive the pseudorange corrections, an onboard differential GNSS receiver (item 111) to calculate a differentially corrected position and a computer (or an airport control and management computer) with display for presenting the map of the airport and the corrected GNSS position (items 313, 314 and figure 11). Further, the claimed means to navigate the aircraft (or vehicle) is inherent in the aircraft itself.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shiomi et al (patent no. 5677841).

As per claim 4, the claimed limitations for an airport navigation method have been met by the Shiomi et al reference for the reason set forth above except that the map display is provided in the airport instead of to a vehicular navigation system as claimed. However, it would have been readily apparent for one skilled in the art that the same map display in the airport can be incorporated into the aircraft (or vehicle) in the event that such map display in the aircraft is deemed necessary.

7. In the amendment, applicant alleged that the instant application predates the priority date of the Shiomi et al reference. Applicant further stated that he had demonstrated the claimed invention to FAA in August of 1993 and conducted independent research utilizing differential GPS and map displays prior to the 1993 demonstration to FAA. Applicant's allegation and statement have been fully considered but are not deemed to be persuasive. Firstly, there is no evidence in the record that the instant application (which has the filing date of 12/11/03) and any of the prior applications which applicant relied upon for the priority have disclosed therein the subject matters as now claimed (such as the differentially corrected position and the associated structural elements) prior to the filing date of 3/9/95 in the Shiomi et al reference. Applicant is reminded that facts not conclusive statements are needed in order to overcome the aforementioned rejection. Further, applicant's 1993 demonstration to FAA and independent research may be helpful in the event of an interference but certainly cannot be used to overcome

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the rejection under 102(e) or 103. Finally, applicant's understanding that a "Terminal Disclaimer" can be used to overcome a 102(e) rejection as stated in the communication filed on 9/15/04 is incorrect. A "Terminal Disclaimer" can be used only to overcome an obvious type of double patenting rejection.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Chin whose telephone number is (703) 305-9751. The examiner can normally be reached on Monday-Friday 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G Black can be reached on (703) 305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



GARY CHIN
PRIMARY EXAMINER